

## 21 C.J.S. Courts § 19

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### Courts

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## II. Jurisdiction of Courts

### C. Jurisdiction of Subject Matter or Cause of Action

#### 1. General Considerations

### § 19. Nature of action or relief within subject matter jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  5, 20

**The subject matter jurisdiction of courts is a matter of the relationship of the nature of the cause of action or claim for relief and the general class of proceedings which the court is authorized to hear and determine.**

Subject matter jurisdiction is a matter of the court's power to hear and determine cases of the general class to which the proceedings belong.<sup>1</sup> A determination of the court's jurisdiction dependent on the nature of the cause of action or claim for relief<sup>2</sup> and requires considering the cause of action or claim for relief in relation to the class the court is authorized to hear and determine.<sup>3</sup>

The relevant inquiry is whether the kind of claim advanced falls within the court's scope of authority as conferred by law.<sup>4</sup> For this purpose, the substance of the claim, and not its form, is determinative.<sup>5</sup> The sufficiency of a claim is not in issue for purposes of a subject matter

jurisdiction determination whether as a matter of fact or law<sup>6</sup> or as pleaded.<sup>7</sup> Subject matter jurisdiction in relation to a particular case is determined without regard to the relative rights of the parties involved.<sup>8</sup>

### ***Particular remedy or relief.***

While there is authority that, apart from the nature of the action, the type of relief requested is not determinative of subject matter jurisdiction,<sup>9</sup> courts generally characterize subject matter jurisdiction as including the consideration of jurisdiction over the type of relief sought.<sup>10</sup> Nonetheless, even with subject matter jurisdiction, a court may lack the authority to grant the particular relief sought.<sup>11</sup>

## **CUMULATIVE SUPPLEMENT**

### **Cases:**

Subject matter jurisdiction is jurisdiction over the nature of the case and the type of relief sought; the extent to which a court can rule on the conduct of persons or the status of things. [New Hampshire Alpha of SAE Trust v. Town of Hanover](#), 174 N.H. 269, 261 A.3d 936 (2021).

Court must have jurisdiction over nature of the case and the type of relief sought in order to decide a case, not over every possible fact pattern and legal issue connected to a complaint. [Nation Ford Baptist Church Incorporated v. Davis](#), 2022 -NCSC- 98, 876 S.E.2d 742 (N.C. 2022).

## **[END OF SUPPLEMENT]**

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### **Footnotes**

- 1 § 18.
- 2
 

Colo.—[State ex rel. Suthers v. Johnson Law Group, PLLC](#), 2014 COA 150, 350 P.3d 961 (Colo. App. 2014), cert. denied, 2015 WL 3381201 (Colo. 2015).

N.H.—[In Matter of Ball](#), 168 N.H. 133, 123 A.3d 719 (2015).

N.C.—[Time Warner Entertainment Advance/Newhouse Partnership v. Town of Landis](#), 228 N.C. App. 510, 747 S.E.2d 610 (2013).

- Okla.—*Dutton v. City of Midwest City*, 2015 OK 51, 353 P.3d 532 (Okla. 2015).
- Tenn.—*Culbertson v. Culbertson*, 455 S.W.3d 107 (Tenn. Ct. App. 2014), appeal denied, (Oct. 17, 2014).
- 3 Utah—*Carter v. State*, 2015 UT 38, 345 P.3d 737 (Utah 2015).
- 4 Ill.—*Pekin Ins. Co. v. Campbell*, 398 Ill. Dec. 691, 44 N.E.3d 1103 (App. Ct. 4th Dist. 2015).
- Ind.—*J.S. Marten, Inc. v. Indiana Dept. of State Revenue*, 45 N.E.3d 534 (Ind. Tax Ct. 2015).
- 5 Miss.—*Germany v. Germany*, 123 So. 3d 423 (Miss. 2013).
- 6 Mo.—*Reverse Mortgage Solutions, Inc. v. Estate of Hunter*, 479 S.W.3d 662 (Mo. Ct. App. W.D. 2015), reh'g and/or transfer denied, (Oct. 27, 2015).
- N.Y.—*Deutsche Bank Nat. Trust Co. v. Dirende*, 49 Misc. 3d 1159, 21 N.Y.S.3d 842 (J. Ct. 2015).
- 7 § 22.
- 8 N.Y.—*Mortgage Electronic Registration Systems, Inc. v. Orinthia Gifford*, 133 A.D.3d 429, 20 N.Y.S.3d 9 (1st Dep't 2015).
- Ohio—*State ex rel. Harwell v. Wiseman*, 2015-Ohio-4718, 2015 WL 7087294 (Ohio Ct. App. 2d Dist. Montgomery County 2015).
- 9 Ala.—*Brady v. State Pilotage Com'n*, 2015 WL 7109381 (Ala. Civ. App. 2015).
- Mo.—*Reverse Mortgage Solutions, Inc. v. Estate of Hunter*, 479 S.W.3d 662 (Mo. Ct. App. W.D. 2015), reh'g and/or transfer denied, (Oct. 27, 2015).
- 10 Cal.—*People v. Letner*, 50 Cal. 4th 99, 112 Cal. Rptr. 3d 746, 235 P.3d 62 (2010).
- Ill.—*In re K.D.*, 407 Ill. App. 3d 395, 347 Ill. Dec. 920, 943 N.E.2d 210 (1st Dist. 2011).
- Mass.—*Buccaneer Development, Inc. v. Zoning Bd. of Appeals of Lenox*, 83 Mass. App. Ct. 40, 980 N.E.2d 458 (2012).
- Minn.—*Nagel v. Westen*, 865 N.W.2d 325 (Minn. Ct. App. 2015), review denied (Sept. 15, 2015).
- Neb.—*In re Trey H.*, 281 Neb. 760, 798 N.W.2d 607 (2011).
- N.C.—*Time Warner Entertainment Advance/Newhouse Partnership v. Town of Landis*, 228 N.C. App. 510, 747 S.E.2d 610 (2013).
- Tenn.—*State ex rel. Com'r of Dept. of Transp. v. Thomas*, 336 S.W.3d 588 (Tenn. Ct. App. 2010).
- Tex.—*Save Our Springs Alliance, Inc. v. City of Kyle*, 382 S.W.3d 540 (Tex. App. Austin 2012).
- 11 Cal.—*People v. Lara*, 48 Cal. 4th 216, 106 Cal. Rptr. 3d 208, 226 P.3d 322 (2010).
- Mo.—*Ground Freight Expeditors, LLC v. Binder*, 359 S.W.3d 123 (Mo. Ct. App. W.D. 2011).
- Neb.—*Nebraska Republican Party v. Gale*, 283 Neb. 596, 812 N.W.2d 273 (2012).
- Tex.—*City of El Paso v. Caples Land Co., LLC*, 408 S.W.3d 26 (Tex. App. El Paso 2013).

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